

MINUTES OF COUNCIL MEETING
APRIL 24, 2008
6:30 P.M.

The Murray City Council met in regular session on Thursday, April 24, 2008, at 6:30 p.m. in the Council Chambers of City Hall, with Mayor Rushing presiding.

Council Members Present: Danny Hudspeth, Pat Scott, Dan Miller, Butch Seargent, Jeremy Bell, Linda Cherry, Pete Lancaster, Jason Pittman, Robert Billington, David Ramey, Jane Brandon, Butch Seargent, and Bill Wells.

Council Members Absent: None.

Staff Present: Ken Claud, J. L. Barnett, David Roberts, Candace Dowdy, Ron Allbritten, Dennis Thompson, Philip Morris, Carol Roberts, Don Rogers, Michael Skinner, Matt Mattingly, Gail Mullins, Harla McClure, and Warren Hopkins.

Minutes of the council meeting held April 10, 2008, were presented for approval. **Mr. Pittman moved, seconded by Mr. Scott**, to approve the minutes as written. With no discussion, Mayor Rushing called for a voice vote, which was unanimous in favor of the motion.

Ordinance Number 2008-1459 (second reading) an ordinance rezoning five tracts of land for a total of 12.538 acres located on Lowes Drive and North 16th Street from R-4 (multi family residential) to B-2 (highway business) was presented to the council on a second reading. Said rezoning is based on the following findings: there have been major changes of an economic, social, and physical nature not anticipated in the comprehensive plan in particular the proposed impact of the widening of Hwy 121 Bypass North to 5 lanes and the widening of N 16th Street intersection; the R-4 zoning would restrict any additional access to the existing businesses to the south along Hwy 121 Bypass North; and due to the existing detention basins in this area and the topography of the land the property adjacent to Lowes Drive is not suitable for development. Said property is owned by WMFF, LLC, Forrest D. Nye, Helen Spann Trust, and Steven Nance. **Mr. Seargent moved, seconded by Mr. Lancaster** to approve said ordinance. With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Pat Scott, Dan Miller, Jeremy Bell, Linda Cherry, Pete Lancaster, Jason Pittman, Robert Billington, David Ramey, Jane Brandon, Butch Seargent, and Bill Wells.

NAYES: None.

Mayor Rushing declared Ordinance Number 2008-1459 adopted on a second reading and recorded in Ordinance Book Number 7, Page ____.

Ordinance Number 2008-1460 (second reading) an ordinance amending Chapter 32 of the City of Murray Code of Ordinances, Architectural Review Board, in order to define the

renaissance district as a historic district in support of the creation of the historic overlay district was presented to the council on a second reading. **Mr. Billington moved, seconded by Mr. Lancaster** to adopt said ordinance. With no discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Pat Scott, Dan Miller, Butch Seargent, Jeremy Bell, Linda Cherry, Pete Lancaster, Jason Pittman, Robert Billington, David Ramey, Jane Brandon, and Bill Wells.

NAYES: None.

Mayor Rushing declared Ordinance Number 2008-1460 adopted on a second reading and recorded in Ordinance Book Number 7, Page _____.

Ordinance Number 2008-1461 (first reading) an ordinance amending Ordinance Number 2007-1442 which adopted the Fiscal Year 2007-2008 City of Murray Annual Budget by Estimating Revenues and Appropriating Funds for the Operations of the City Government to Amend Operations for General Fund and Capital Expenditures was presented to the council on a first reading (see attached sheet for explanation). **Mr. Bell moved, seconded by Mr. Lancaster** to approve said ordinance. With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Pat Scott, Dan Miller, Butch Seargent, Jeremy Bell, Linda Cherry, Pete Lancaster, Jason Pittman, Robert Billington, David Ramey, Jane Brandon, and Bill Wells.

NAYES: None.

Mayor Rushing declared said ordinance approved on a first reading.

Ordinance Number 2008-1462 (first reading) an ordinance amending Section 113.30 of the City of Murray Code of Ordinances as it pertains to Permitting Temporary Off-Site Sale or Display Events. **Mr. Hudspeth moved, seconded by Mr. Wells** to approve said ordinance.

Mr. Billington questioned exactly what the ordinance is doing. Warren Hopkins, City Attorney, stated that the ordinance was adopted initially due to a change in the statutes. At that time, the RSEC was hosting the boat show and it could not go on until this ordinance was in place. The ordinance was restricted to the RSEC and the Expo Center. He stated that the change it to expand it to B-2 (highway business), which is the zone that car dealers are authorized to conduct business. Harla McClure, City Clerk, stated that any car dealership that wants to have a temporary sale is required to complete an application with the Motor Vehicle Commission and have it approved. They are only allowed to set have the sale for five (5) days and have to advertise that it is a temporary sale. Mr. Lancaster wanted to know if this was designed for individuals and it was stated that it is not, only dealerships. Mr. Pittman stated that as manager of the RSEC, he has been approached by a company wanting to have a sale. He stated that they

facility is booked and there are no dates available for this company to hold a sale. It was stated that the Expo Center was also unable to accommodate this company. Mr. Pittman stated that the ordinance is restrictive; however, he thinks it might protect the businesses in the community. Mr. Billington stated that he feels we are trying to get more restrictive because we made changes to the sign ordinance requiring businesses along 12th Street to have monument style signs and we are requiring mobile businesses to move every 90 days so he thinks this is lessening our restrictions. Mr. Seargent wanted to clarify that B-2 is the zone that car dealers are already located in and we are only extending the area in which temporary sales may be allowed and this would allow even our own dealers to have a temporary off-site sale and is not lessening the restrictions. Mr. Hopkins confirmed this statement. With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Pete Lancaster, Dan Miller, Linda Cherry, Butch Seargent, Pat Scott, and Bill Wells.

NAYES: Jeremy Bell, Robert Billington, Jason Pittman, David Ramey, and Jane Brandon.

Mayor Rushing declared said ordinance approved on a first reading by a vote of 7 to 5.

Ordinance Number 2008-1463 (first reading) an ordinance amending Section 118.99 of the City of Murray Code of Ordinances as it pertains to penalties was presented to the council on a first reading. **Mr. Pittman moved, seconded by Mr. Scott** to approve said ordinance. The amendment to this section is to allow Notice of Violations to be written assessing a fine, which would then be collected by the City. This change would allow violations, which are not a violation of state statute, to go through the City instead of being prosecuted in district court. With no further discussion, Mayor Rushing called for the roll call vote which is recorded as follows:

AYES: Danny Hudspeth, Pat Scott, Dan Miller, Butch Seargent, Jeremy Bell, Linda Cherry, Pete Lancaster, Jason Pittman, Robert Billington, David Ramey, Jane Brandon, and Bill Wells.

NAYES: None.

Mayor Rushing declared said ordinance approved on a first reading.

Resolution Number 2008-008 a resolution authorizing the Mayor to execute all necessary documents regarding the agreement between the Kentucky Transportation Cabinet and the City of Murray for sidewalks to the southwest park was presented to the council for approval. **Mr. Billington moved, seconded by Mr. Bell** to approve said recommendation. Matt Mattingly, Director of Administration, stated the sidewalks will be on Doran Road from 94 West to Wiswell Road. With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

Municipal Order 004-2008 reappointing Charletter Ellis to the Murray Calloway

County Transit Authority Board for a four (4) year term which will expire April 19, 2012 was presented to the council for approval. **Mr. Wells moved, seconded by Mr. Pittman** to approve said municipal order. With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

Declare as Surplus five vehicles in the City of Murray impound lot so that they may be sold for scrap was presented to the council for approval. **Mr. Pittman moved, seconded by Mr. Lancaster** to declare said vehicles as surplus. With no further discussion, Mayor Rushing called for the voice vote which was unanimous in favor of the motion.

With no further business to come before the council, the meeting adjourned at 6:55 p.m.

H. Thomas Rushing, Mayor

Attest:

Harla McClure, City Clerk